

* * * Generally Run Down and Under Par. Low Vitality. Due to shortage of several vitamins Orange capsules Orange Box Multi"; (Vitamins A & D) "A Sure-Fire Way of Selecting your vitamins * * * Dry Skin? Resistance Low? Due to shortage of vitamins A & D Select the Yellow Capsules * * * Which Vitamins For Your Customers? * * * Low Resistance. Dry Skin. Night Blindness. Due to shortage of vitamins A & D Yellow capsules Yellow Box A & D."

The articles were also alleged to be misbranded under the provisions of law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: April 16, 1945. The Whitehall Pharmacal Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that the display cards be destroyed.

7903. Misbranding of wheat germ. U. S. v. 88 Packages of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 12680. Sample No. 75714-F.)

LIBEL FILED: June 17, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 14, 1944, by the Triple Health Food Co., Rochester, N. Y.

PRODUCT: 88 1-pound packages of wheat germ at Warren, Ohio.

Examination showed that the product was essentially wheat germ.

LABEL, IN PART: "Triple Health (Superior) Wheat Germ * * * A Natural Medicinal Food."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the label of the article, "Triple Health A Vitality-Filled Body A Cheerful Mind * * * A Peaceful Spirit The Triple Health System * * * A Natural Medicinal Food * * * Twice as rich in protein as meat. Contains vitamins A, * * * E and G. Rich in organic minerals. Recommended as a physical builder. Nerve and mental tonic. Digestive and eliminative aid. Beneficial in skin conditions, etc. * * * Triple Health Food," were false and misleading since the article was not a medicinal food, would not effect the results suggested and implied, would provide nutritionally inconsequential amounts of vitamins A, E, and G, was not rich in organic minerals, and was not twice as rich in protein as is meat; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin and mineral content, but its label failed to bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements of vitamins A, B, and G, and the quantity of vitamin E, supplied by a specified quantity of the article when consumed during a period of 1 day, (2) a statement that "The need for vitamin E in human nutrition has not been established," and (3) a statement of the particular minerals present in the article and the quantities thereof.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1330.

DISPOSITION: August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7904. Misbranding of Zo-Lon. U. S. v. 17 Dozen Packages of Zo-Lon. Default decree of condemnation and destruction. (F. D. C. No. 14425. Sample No. 90096-F.)

LIBEL FILED: November 13, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 15, 1944, by the Zo-Lon Co., from Dallas, Tex.

PRODUCT: 17 dozen packages of Zo-Lon at Des Moines, Iowa.

Examination showed that the article consisted of approximately 60 percent of ground Indian Plantago seed (blond psyllium seed), and approximately 40 percent of sugar (sucrose), dextrin, dextrose, and a very small proportion of milk sugar (lactose).

VIOLATION CHARGED: Misbranding, Section 403 (a). The label statement, "A low calory * * * supplement to reducing diets," was misleading as applied to the product, which contained a substantial proportion of carbohydrates and therefore was not a low-calorie food. The label statements, "Aids in satisfying desire for sweets and for excess foods, thus enabling easier following of any accustomed diet," and "If you are cutting down on starchy foods, such as

potatoes, white bread, etc., fatty foods, sweets and taking more fruits and fruit juices, this supplement should be a real aid in your efforts," were false and misleading since such statements implied that the article was not a sweet or carbohydrate food, whereas it contained a substantial amount of sugars, and since it would not, when used as directed, satisfy the desire for sweets or for excess foods, and would not enable the user more easily to follow any accustomed diet, or aid the user in cutting down the consumption of such foods.

Further misbranding, Section 403 (a). The label statement, "If you are cutting out breakfast or lunch, Zo-Lon taken at that time, should help you to furnish nutrition to fortify you for the loss of food," was false and misleading since the nutrition furnished by the article when used as directed, i. e., 2 rounded teaspoonfuls, consisted essentially of an inconsequential amount of carbohydrates and would not fortify the user for the loss of the quantities and kinds of the various nutritional factors ordinarily consumed as breakfast or lunch. The label statement, "Contains: Dextrose, Indian Plantago Seed, Psyllium Seed, Dextrine, Lactose," was false and misleading since the article contained, in addition to the ingredients stated, a material proportion of sugar (sucrose) and contained no variety of psyllium seed other than Indian Plantago seed. The label statement, "Contains no drug laxative," was misleading since the preparation contained psyllium seed, which is a laxative drug.

DISPOSITION: December 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed

7905. Misbranding of Grayvita. U. S. v. 379 Bottles and 102 Bottles of Grayvita. Default decree of condemnation and destruction. (F. D. C. No. 9981. Sample Nos. 36211-F to 36213-F, incl.)

LIBEL FILED: May 24, 1943; libel amended July 2, 1943, District of Colorado.
ALLEGED SHIPMENT: On or about April 21, 1942, and May 6, 1943, by the Carlay Co., from Chicago, Ill.

PRODUCT: 379 bottles, each containing 100 tablets, and 102 bottles, each containing 30 tablets, of Grayvita at Denver, Colo.

The article was represented on its label to contain 10 milligrams of calcium pantothenate and 450 International Units of vitamin B₁ per tablet.

VIOLATIONS CHARGED: Misbranding, Section 403(a), the following and similar statements in the labeling were false and misleading since they represented and suggested that the article, when used as directed, would be effective in preventing gray hair or restoring natural color to gray hair, whereas the article, when used as directed, would not be effective for those purposes: (Display card entitled "Gray Hair? Try Grayvita") "The new anti-gray hair vitamin known as Calcium Pantothenate"; (leaflet entitled "Information For Clerks and Users Regarding Gray Hair Vitamins Known as Grayvita") "What is this vitamin that is supposed to restore color to gray hair? Ans. Calcium Pantothenate. What evidence is there that Calcium Pantothenate will restore hair color? Ans. Experiments on animals and the report of actual use of this vitamin by 25 men and women over a period of seven months. This report appeared in Good Housekeeping Magazine for February, 1942, and it states that 22 of the 25 persons showed positive evidence of a return of normal hair color"; (leaflet entitled "Some Scientific Proof for Anti-Gray Hair Vitamins") "Experiments further show that in those diets where lack of calcium pantothenate is artificially produced, premature graying of the hair immediately results. * * * Grayvita Is Calcium Pantothenate Plus!"; (leaflet entitled "Good Housekeeping Announces the Results of Its Research on Vitamins and Gray Hair") "88 percent of the gray-haired men and women tested by Good Housekeeping Laboratories show evidence of the return of natural hair color after months of scientific tests"; (window poster entitled "Do You Have a Gray Hair Problem?") "Get Grayvita! The New Anti Gray Hair Vitamin Discovery."

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ and calcium pantothenate content, and its label failed to bear, as required by the regulations, the statement, "The need for calcium pantothenate in human nutrition has not been established."

DISPOSITION: On July 24, 1943, on motion of the Carlay Co., claimant, the case and records were ordered transferred to the Northern District of Illinois. On August 18, 1943, the order of transfer was vacated and the case was ordered transferred to the Southern District of Illinois. On December 22, 1943, the records which had been sent to the Northern District of Illinois were ordered